

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

JOSEPH FRANKLIN FEJERAN DRAKE,)	
)	
Plaintiff,)	
v.)	Case No. 1:13-cv-0961-TWP-DML
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

ENTRY ON PLAINTIFFS RULE 56(f) REQUEST

The Plaintiff's response to the defendant's motion for summary judgment, filed on September 15, 2014, asserts that he is currently seeking to obtain discovery and he requests that the Court deny the Motion for Summary Judgment on the basis of Rule 56(f) of the *Federal Rules of Civil Procedure*. The Court presumes that Plaintiff intends to invoke Rule 56(d), which provides that "[i]f a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may: (1) defer considering the motion or deny it; (2) allow time to obtain affidavits or declarations or to take discovery; or (3) issue any other appropriate order." *Id.*

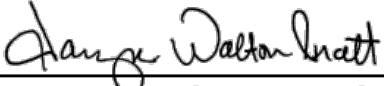
Importantly, Plaintiff has not provided any specific reasons as to why he cannot respond to the defendant's motion for summary judgment. He asserts that after the Court denied his most recent motion to compel discovery, he served additional discovery requests on the Defendant. He has not stated what facts he cannot prove or what information he still requires. The Defendant has previously responded to two sets of discovery. The Plaintiff simply stating that he needs more

discovery is not sufficient to satisfy Rule 56(d). Therefore, his request that the Court deny the Defendant's motion for summary judgment on the basis of Rule 56(d) is denied.

In an abundance of leniency, Plaintiff shall be given an additional opportunity to respond to Defendant's Motion for Summary Judgment on the merits. He shall have **through November 26, 2014**, in which to do so. Failure to do so will result in the Court ruling on the Defendant's Motion for Summary Judgment based on its unopposed opening brief.

IT IS SO ORDERED.

Date: 11/4/2014



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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